

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

In Re: **Philip Craig Goodwin, Sr.**
Betty Jean Goodwin

Case No: **09-74443-SCS**

Debtors

Chapter 13

NOTICE OF MOTION

The Debtors, by counsel, have filed a Motion by Debtors to Sell Property in this Chapter 13 proceeding.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief requested in the motion or application, or if you want the Court to consider your views on the Motion or Application, then on or before **January 20, 2014**, you or your Attorney must file with the Court at the address shown below, a written response pursuant to Local Bankruptcy Rules 9013-1(H). **Unless a written response is filed and served by the date specified, the court may decide that you do not oppose the motion.** If you mail your response to the Court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above, and you must also mail a copy to the Debtor's Attorney.

Clerk of Court
U.S. Bankruptcy Court
600 Granby Street, Room 400
Norfolk, VA 23510

Debtor's Attorney
Patricia A. Helfer
1006 South Church Street
Smithfield, VA 23430

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or application and may enter an order granting that relief without further notice or hearing.

Date: December 30, 2013

/s/ Patricia A. Helfer
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Counsel for the Debtors
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(757) 365-0888
VSB # 23183

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MOTION BY DEBTORS TO SELL PROPERTY

COMES NOW the above-named Debtors, by counsel, and respectfully move this Honorable Court, pursuant to 11 U.S.C. Sections 363(b) and 363(f) and Bankruptcy Rule 6004, for an Order allowing the Debtor, Betty Jean Goodwin, to sell her interest in real estate located at 3904 Alma Avenue, Richmond, Virginia to 4 Johns Investments, LLC, a Virginia limited liability company for one-fifth of the total gross sales price of Twenty-Five Thousand Dollars (\$25,000.00) for just cause, on the grounds set forth below:

1. On October 23, 2009 the above-named Debtors filed a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code.
2. R. Clinton Stackhouse, Jr., is the Chapter 13 Trustee for this matter.
3. The Debtors' Chapter 13 Plan was confirmed on January 11, 2010. Said Plan provides that the Debtors will pay the sum of \$600.00 per month for 60 months to the Trustee, which will result in the estimated distribution of 28% to unsecured creditors.
4. The Order Confirming Plan provides that the "Debtors shall not sell...real...property in excess of \$5,000.00...in value, without first sending to the Chapter 13 Trustee notice and a complete disclosure of the terms of the proposed sale...affording the

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Trustee 30 days to request a hearing.” The Debtors’ attorney sent a letter to the Chapter 13 Trustee giving notice and a complete disclosure of the terms of the proposed sale on August 20, 2013, and the Chapter 13 trustee sent the Debtors’ attorney a letter dated August 26, 2013 stating that he does “not have a problem with the proposed transaction based upon the facts as represented” in the August 20, 2013 letter.

5. At the time the Debtors filed this Chapter 13 Bankruptcy, Dennis Leroy Obey owned real estate located at 3904 Alma Ave., Richmond, Virginia, and more specifically described as follows: all that certain lot, piece or parcel of land, lying and being in Fairfield Magisterial District, in the County of Henrico, Virginia, known and designated as 3904 Alma Avenue and shown as Lot 108, Section B in the Plan of Chatham Place Subdivision, Richmond and Henrico County, Virginia, made by Charles H. Fleet, Certified Civil Engineer, dated May 27, 1946 and recorded in the Clerk’s Office of the Circuit Court of Henrico County, Virginia, in Plat Book 18 at page 129, together with all the improvements now or hereafter thereon and all rights, privileges and appurtenances thereunto belonging.

6. On January 9, 2013 Dennis Leroy Obey died and left a will devising his real estate located at 3904 Alma Ave., Richmond, Virginia in five (5) equal shares to Jo Ann Johns, Betty Jean Goodwin. Carolyn Sue Gwaltney, Floyd Cleveland Sadler and Virginia Estelle Matheny (also known as Virginia E. Bower).

7. The property tax assessment on said property is \$61,900.00 which includes the land assessed at \$16,000.00 and the improvements assessed at \$45,900.00.

8. The balance on the Credit Line Deed of Trust on said property securing the debt owed to SunTrust Bank as of July 25, 2013 was \$19,118.95. (See attached SunTrust Equity Line Statement).

9. 4 Johns Investments, LLC, a Virginia limited liability company, offered to purchase the real property located at 3904 Alma Ave., Richmond, Virginia for Twenty-Five Thousand Dollars (\$25,000.00). William Johns, who is the nephew of Betty Jean Goodwin and Virginia E. Bower, has an ownership interest in 4 Johns Investments, LLC.

10. The Estate of Dennis Obey and 4 Johns Investments, LLC entered into a Residential Contract Of Purchase dated March 29, 2013 agreeing to sell the property to 4 Johns Investments, LLC for Twenty-Five Thousand Dollars (\$25,000.00). Paragraph 10 of said contract states that the “property is to be sold “AS IS”. “ (See attached Residential Contract Of Purchase.)

11. According to William Johns no appraisal of the property has been done because “the current balance on the mortgage is more than all of the comparable sales.”

12. All of the devisees under the Will of Dennis L. Obey believe the offer is reasonable under the circumstances because the property is in need of substantial repairs.

13. According to William Johns numerous repairs are still needed to the property, even though “we have replace the windows, done extensive repairs to ceilings and walls, installed a permanent sump pump in the crawl space, repaired several rotten floor joist, removed all rotten copper plumbing and installed new pex piping.”

14. The Debtor, Betty Jean Goodwin, proposes to sell her one-fifth (1/5th) interest in Property to 4 Johns Investments, LLC, on the following conditions and terms:

- a. Free and clear of the lien(s) as to the Property; and
- b. Free and clear of all other interests of creditors of the Debtors.

15. Upon sale of the property, the lienholder, SunTrust Bank, will be paid in full.

16. If the property is sold for Twenty-Five Thousand Dollars, the Debtor, Betty Jean Goodwin, expects her one-fifth share of the net proceeds to be One-Thousand Dollars or less.

17. The parties to the sale have proceeded and are proceeding in good faith.

WHEREFORE, The Debtors respectfully pray this Court, after notice to all creditors, (1) approve the sale of the real estate located at 3904 Alma Ave., Richmond, Virginia to 4 Johns Investments, LLC free and clear of liens, with proceeds to be distributed to the lienholder, and one-fifth of the balance to be distributed to the Debtor, Betty Jean Goodwin, free and clear of all interests of creditors of the Debtors, and (2) waive the fourteen (14) day stay imposed by Rule 6004(h).

PHILIP CRAIG GOODWIN, SR.
BETTY JEAN GOODWIN

By: /s/ Patricia A. Helfer
Patricia A. Helfer

CERTIFICATE OF SERVICE

I do hereby certify that a true copy of the foregoing Notice and Motion was mailed by first class mail to: R. Clinton Stackhouse, Jr., Trustee, Office of the United States Trustee, and to all creditors and parties in interest as indicated on the attached list this 30th day of December, 2013.

/s/ Patricia A. Helfer
Patricia A. Helfer

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Counsel for the Debtors
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c/o US Bank Natl As,as Trustee
60 Livingston Ave. EP-MN-WS3D
Saint Paul, MN 55107-2292

Bank of America
c/o Portfolio Recovery Assoc. LLC
PO Box 41067
Norfolk, VA 23541-1067

Best Buy
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Tucson, AZ 85712-1083

BJ's
c/o Barclay's Bank Delaware
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Casual Male
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Wilmington, DE 19850-5521

Chase Bank USA NA
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Citi Simplicity Cash Card
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Sears Premier Card
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